

# **ENVIRONMENT, PLANNING and AGRICULTURE COMMITTEE**

**of the**

## **SUFFOLK COUNTY LEGISLATURE**

### **Minutes**

A regular meeting of the Environment, Planning and Agriculture Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on November 17, 2005.

#### **MEMBERS PRESENT:**

Leg. Daniel P. Losquadro, Chairman  
Leg. Jay H. Schneiderman, Vice•Chairman  
Leg. Allan Binder  
Leg. David Bishop  
Leg. Vivian Vilorio•Fisher  
Leg. John M. Kennedy, Jr.

#### **ALSO IN ATTENDANCE:**

Mea Knapp, Counsel to the Legislature  
Alexandra Sullivan, Chief Deputy Clerk  
Gail Vizzini, Director of Budget Review  
Ben Zwirn, Assistant Deputy County Executive  
Thomas Isles, Director of Department of Planning  
Jim Bagg, Chief Environmental Analyst/Department of Planning  
Ben Wright, Department of Public Works

Patricia Zielinski, Department of Real Estate  
Lauretta Fischer, Department of Planning  
Janet Longo, Department of Real Estate  
Kevin LaValle, Aide to Leg. Losquadro  
Maria Ammirati, Aide to Leg. O'Leary  
Commissioner Ron Foley, Parks Department  
Matthew Atkinson, Counsel to Peconic Baykeeper  
Kevin McAllister, Peconic Baykeeper  
Laura Mansi, 4•Towns Civic Association  
Vito Minei, Director of Environmental Quality for the Health Department  
Christopher Jeffreys, Assistant County Attorney

**MINUTES TAKEN BY:**

Diana Kraus, Court Stenographer

**(THE MEETING WAS CALLED TO ORDER AT 2:18 PM)**

**CHAIRMAN LOSQUADRO:**

I would like to call the meeting of Environmental, Planning and Agriculture to order. Could I ask Legislators please report to the horseshoe.

Good morning. Thank you for your patience. I'm going to call the meeting of Environmental, Planning and Agriculture to order. Whoever it is at this point. I'll ask you to rise for the Pledge of Allegiance led by Legislator Vilorio •Fisher.

**(SALUTATION)**

**CHAIRMAN LOSQUADRO:**

Thank you very much.

**LEG. SCHNEIDERMAN:**

Do we have a quorum?

**LEG. VILORIA • FISHER:**

I don't think so.

**CHAIRMAN LOSQUADRO:**

Did we lose someone? Legislator Binder is here. I knew I saw him earlier. I thought we lost him for a second.

We will go to the public portion. We have several cards. First card is Ron Foley. Mr. Foley, good to see. Commissioner Foley, good to see you.

**COMMISSIONER FOLEY:**

I'm here to speak to the Committee about IR 2126, which appropriates funding from the 1998 Greenways Public Referendum to be used for the establishment of the Suffolk County Community Greenways Fund Educational and Interpretive Center. This is \$2 million. We propose to appropriate it with 200,000 for planning and a million eight for construction. And this would be targeted toward renovation of the mansion ware home on the Scully Estate in Islip, which you designated by earlier action as the Suffolk County Environmental Interpretive Center.

We had a deadline by which to spend this money so timing is important. Seatuck non•profit organization that we've been working with on that site engaged an architect to begin the planning work. And DPW is now working with him to finalize the designs and go out for bid for construction later on. So, the appropriation of this money at this time is important to allow us to meet the deadlines that apply to expending these funds.

And if you have any questions, I'd be happy to answer them about this or anything else.

**CHAIRMAN LOSQUADRO:**

Any questions from members of the Committee? Legislator Kennedy. Don't feel compelled.

**LEG. KENNEDY:**

Just a quick one. Hello, Commissioner.

**COMMISSIONER FOLEY:**

Legislator.

**LEG. KENNEDY:**

Nice to see you as always.

I just wanted to touch base with you on a resolution that is actually not in this Committee but did get heard by a committee earlier this week but is kind of germane to your purview. And that's the Lilly Ponds Nature Preserve.

**COMMISSIONER FOLEY:**

Yes.

**LEG. KENNEDY:**

We've had occasion to go ahead and discuss that at great length. You're fully familiar with the bill; correct?

**COMMISSIONER FOLEY:**

I am. I believe I am.

**LEG. KENNEDY:**

Okay. Yes. And it's my understanding as a matter of fact that from your perspective from the Parks Department you are in support of that ••

**COMMISSIONER FOLEY:**

I'm fully in support of it. That property is an important inholding among

other county owned parkland properties. And I think acquiring it will lessen the likelihood of there being encroachments and other impacts on the property we already own. So, it's a nice enhancement to relatively preserved and practice area. The buildings, we'll have to examine those and see whether they have a future or not. But the property itself is important for us to acquire.

**LEG. KENNEDY:**

Certainly. And germane to that we do have a resolution on today's agenda which would actually address planning steps for that one privately held parcel that we had an opportunity to view earlier in the year. Good. Thank you. Thank you, Mr. Chair.

**CHAIRMAN LOSQUADRO:**

Thank you, Commissioner. And I will not bore members of the Environment Committee with something that has to do with Parks but I would to, since I have you here, I would like to meet with you about a matter regarding one of the county parks. So, if we can set that up with my office, that would be great. Good to see you.

**COMMISSIONER FOLEY:**

Sure, absolutely. Thank you.

**CHAIRMAN LOSQUADRO:**

Next card Matthew Atkinson. Make sure that microphone is turned on.

**MR. ATKINSON;**

Hello. Sound good?

**CHAIRMAN LOSQUADRO:**

Sounds good.

**MR. ATKINSON;**

I have a letter I'd like to submit to the Committee. I'm so sorry. I have an original and a copy for each Legislator.

I'm here to speak about Vector Control, the 2006 Plan of Work and on behalf of Peconic Baykeeper. I'm general counsel to Peconic Baykeeper. My name, as you've heard, is Matthew Atkinson.

The Plan comes to you without recommendation from CEQ. Pretty much, you know, they couldn't recommend a neg dec. So, they just released it essentially was my impression at the meeting certainly. And the real question here doesn't seem to be SEQRA any longer. The determination under SEQRA's quite clear. It's been judicially determined that the reiteration of these annual plans is illegal segmentation. It really seems to become now a policy question for the Legislature, which really is going to decide whether to follow the law or what policy to employ in terms of mosquito control.

It's really in some sense this is •• isn't a plan. It's a statement of all the good things that Vector Control will do. The actual supervision takes place by other county agencies and by state agencies as appropriate. It gives up no tool in its tool box and imposes no measurable trigger for any of its control measures. And I don't mean that Vector Control is the same as it was back in 2002 when we started participating in these proceedings and exercising our unilateral oversight through litigation. Vector Control certainly has expert leadership, Mr. Ninivaggi. And it has acquired excellent equipment designed for maximum efficiency and to minimize collateral impacts. It has done these measures. It has also effectively abandoned its mechanized ditching to maintain the grid ditches that are presently everywhere in Suffolk County.

The remarkable thing I find is that while it has made these strides, it maintains its camp protestations that its activities have been always harmless; hence you wonder why you would impose these types of remedial improvements.

This is the 5th annual Plan of Work. It's been submitted. The multi•year impacts have yet to be studied. And they're presently being studied, of course, in the EIS. But no findings have been adopted. The policy really so far has been Suffolk County's decided it needs to control mosquitos and has

pretty well delegated it to Vector Control and other agencies.

The principal difference here is, of course, the reduction and the articulation that there's not going to be much mechanical ditching, but there's no limitations, there's no definitions. Certainly there are ditches that connect isolated wetlands. Vector Control is well aware of them. And must I complete?

**CHAIRMAN LOSQUADRO:**

I would just ask you to begin to sum up please. Try to keep it to three minutes.

**MR. ATKINSON;**

Okay. Well, we urge you to, you know, take the aspects of this Plan which are valuable; monitoring, surveillance, artificial source reduction, public education, biological control of larval mosquitos, and specific and limited water management that's identified. Vector Control can thereby do its job and also respond to any public health issues that arise for Suffolk County residents. Thank you.

**CHAIRMAN LOSQUADRO:**

Thank you. Next speaker, and I'm sure we'll continue along that line of thought is Kevin McAllister.

**MR. McALLISTER:**

My name is Kevin McAllister. I'm President and also Baykeeper for Peconic Baykeeper. I want to limit my comments to the objectionable components of the '06 Work Plan. And specifically speak to a larvicide that's routinely in use at, I believe, by their own statement applied over approximately 19,000 acres. And that's methoprene. It's, again, a larvicide that's routinely sprayed over wetlands. It's intended to get into the water to disrupt the hatching cycle of mosquito larvae.

In the past last year and I'll resonate the same, I guess, papers that I spoke to, but certainly the studies are coming out that speak to the impacts of methoprene. In fact, the manufacturer of the product •• an Australian manufacturer has on their material safety data sheet that it may cause long

term impacts in the aquatic environment. There's a number of studies. University of Michigan, significant reductions in invertebrate populations as a result of repeated applications over the course of several years.

More recently Michael Horst out of Mercy University in Georgia has done some work looking at lobsters as well as blue crabs and seeing significant impacts in the larval stages of blue crabs as well as larvae •• I'm sorry •• as opposed to lobsters.

So, I mean, again, clearly •• and I'm not citing another probably 16 papers that speak to the impacts. Both New York City as well as Westchester in their EIS process has deemed methoprene inappropriate for application near coastal waters. And they've restricted its use. Regretfully Suffolk County has not arrived at that conclusion yet. I encourage this body and certainly the full Legislature to issue a pos dec for the '06 Plan and requesting a modification of the plan specifically removing methoprene. And just in, I guess, in the sense of common sense, at least let's wait until the full EIS and long term plan has been publically vetted where again conclusions are validated which again may not support the use of methoprene in the aquatic environment. Thank you.

**CHAIRMAN LOSQUADRO:**

Thank you. Legislator •• Mr. Atkinson, if you could please come back up. Legislator Vilorina•Fisher.

**LEG. VILORIA•FISHER:**

Thank you for coming back up, Mr. Atkinson. I was just trying to find the CEQ resolution. And if I'm reading this correctly, doesn't it •• didn't they consider this a Type I action under SEQRA?

**MR. ATKINSON;**

They did consider it Type I.

**LEG. VILORIA•FISHER:**

Okay. Because I thought you said that they didn't really •• that they released it without having made any judgement on it or some such statement. And I found that unusual so ••

**LEG. SCHNEIDERMAN:**

I was there. I could maybe provide something.

**LEG. VILORIA • FISHER:**

Okay.

**LEG. SCHNEIDERMAN:**

Some insight.

**CHAIRMAN LOSQUADRO:**

Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

There was a full presentation in front of CEQ. It has been determined that it's a Type I Action. But the comment period had not expired for the routing. And so the CEQ could not make a determination. We would have had to wait 'til this month's meeting. And in the interest of time because the Health Department was concerned about 2006 almost being here and not having a work plan, we made a decision to allow it to move forward to the Legislature. CEQ only makes an advisory determination anyway. It's just a recommendation.

**LEG. VILORIA • FISHER:**

Right.

**LEG. SCHNEIDERMAN:**

This Committee could send it back to CEQ and say, no, we want that recommendation. We don't want to act without it. Or we can make •• we can make the determination on our own. It's two determinations. One determination is that it's a Type I Action. I don't think that's being disputed. The question is, is it a pos dec or a negative dec? Is there the potential for adverse impacts, in which case you find •• you pos dec it so that you can do an Environmental Impact Statement, identify any mitigating factors. Or if you neg dec it, you do not have to do an Environmental Impact Statement and the project moves for forward.

**LEG. VILORIA • FISHER:**

Okay. So they didn't either pos or neg dec on it. They just called it a Type I Action.

**MR. ATKINSON;**

That's correct. I agree entirely with what Legislator Schneiderman said. The only caveat I have to it is that it's an advisory recommendation they're making to the Legislature. While the Legislature could not make a determination of significance until the Coordinated Review period came to an end, nothing prevents the CEQ from making its advisory opinion to the Legislature.

**CHAIRMAN LOSQUADRO:**

Thank you.

**LEG. VILORIA • FISHER:**

Thank you.

**CHAIRMAN LOSQUADRO:**

Next card Laura Mansi.

**MS. MANSI:**

Yes. Good afternoon. My name is Laura Mansi and I'm President of the 4 •Towns Civic Association. We have been in existence since 1980. I appeared before this Committee on September 22nd. And I submitted comments for the record at a meeting of the Legislature on September 27th. At that time individuals were finally appointed to serve on the Planning Commission that were in keeping with the changes sought by the Executive branch for quite sometime. These appointments reflect the fundamental change in the composition of the Planning Commission. Your votes recognize that change •• that need for change.

You have before this Committee a resolution that would codify these changes. I explained before how the Planning Commission was used as a political weapon in the vote concerning the proposed Tanger Mall in Deer Park. Using votes on this Commission to send political messages was and is

despicable.

The 4•Town Civic Association supports the resolution that will help to foster a non•political professional, diverse County Planning Commission. In fact, we have asked for these changes only to find out that you have had this initiative before you for nearly two years. Unfortunately you waited too long and our communities have been sacrificed for political reasons. Don't let this happen to anyone else.

All of you have taken an oath to serve the people of your district and Suffolk County for as long as you hold your elected position. Please do the right thing. Take the politics out of the Planning Commission by amending the County Charter so that this Commission becomes the body it should be, serving the interest of all Suffolk County residents and taxpayers. Thank you.

**CHAIRMAN LOSQUADRO:**

Thank you. I have no further cards. Anyone else wish to be heard before this Committee? Hearing none, we'll close the public portion and move to the agenda.

**TABLED RESOLUTIONS**

Tabled resolutions. If we could perhaps ask representatives from Planning and Real Estate to come forward. I see Mr. Isles did come in. Very good. Thank you.

**Table resolution 1571•05, authorizing the acquisition of Westmoreland Farm, Inc., Town of Shelter Island.** Do we have any further update on this resolution?

**MR. ISLES:**

Well, I don't believe we have a contract at this point. And also there are some problems with the resolution itself anyway. This is on Westmoreland?

**MS. ZIELENSKI:**

That's correct.

**MR. ISLES:**

Yeah. So, there's no contract.

**CHAIRMAN LOSQUADRO:**

Motion to continue tabling by myself, seconded by Legislator Kennedy. All those in favor? Opposed? **1571 is tabled. (Vote: 5•0•0•1. Legislator David Bishop not present)**

**1629, appointing member to the Council on Environmental Quality.**

This seat has already been filled. Legislator, your pleasure? The seat has already been filled.

**LEG. VILORIA•FISHER:**

I'm going to table it to see if the other resolutions to change the CEQ move forward next week.

**CHAIRMAN LOSQUADRO:**

Motion to table by Legislator Viloría•Fisher, seconded by myself. All those in favor? Opposed? **1629 is tabled. (Vote: 5•0•0•1. Legislator David Bishop not present)**

**1715, further implementing the Suffolk County Water Quality**

**Protection and Restoration Program.** We have had a number of discussions regarding 477. Now we're just having another one with our office of Budget Review. And Budget Review, moving forward this year's balance, was •• if you can just tell us those numbers quickly, we're not going to get too in depth. But this year's balance is in the nature of four and a half million?

**MS. VIZZINI:**

If you're asking the fund balance for the Water Quality ••

**CHAIRMAN LOSQUADRO:**

Yes, for the Water Quality Protection portion.

**MS. VIZZINI:**

Yeah. 4.68 million.

**CHAIRMAN LOSQUADRO:**

4.68 million. We have approximately seven million and change on a recurring basis after the Quarter Percent money. But approximately 6.8% of that is accounted for already next year in ongoing capital and operating expenses. So, with that being said, I'm going to move to continue to table this. I think we have far too much of this money already accounted for. And we need to have a definitive policy as to how this money is going to expended before we commit ourselves to partnering with any other municipalities to expend it. So, motion to table by myself, seconded by Legislator Schneiderman. All those in favor? Opposed? **1715 is tabled. (Vote: 5•0•0•1. Legislator David Bishop not present)**

**1727, a local law to prevent the spread of invasive non•native aquatic plants in Suffolk County.** I have not heard from the sponsor as to what his pleasure is with this. I know last time there were a couple of questions as to getting the language in the body to reflect the language in the legislative intent. I believe that has been accomplished. So, I'm going to make a motion to approve.

**LEG. SCHNEIDERMAN:**

Second.

**CHAIRMAN LOSQUADRO:**

Seconded by Legislator Schneiderman. All those in favor? Opposed?

**LEG. VILORIA•FISHER:**

I just wanted to ask a question again regarding the enforcement of the legislative intent. How would that be done?

**CHAIRMAN LOSQUADRO:**

I would have to defer to Counsel on that. And she has unfortunately stepped out for a moment.

**LEG. VILORIA • FISHER:**

Can we come back to this?

**CHAIRMAN LOSQUADRO:**

We will skip over that.

**LEG. VILORIA • FISHER:**

Thank you.

**CHAIRMAN LOSQUADRO:**

There she is. We don't have to skip over it. The question, if you did not hear it, pertained to the enforcement aspect of Legislator O'Leary's non •native aquatic species bill.

**MS. VIZZINI:**

In the interim the resolution indicates that the enforcement will be by the Health Department in accordance with the sanitary code.

**MS. KNAPP:**

(Shaking head yes)

**LEG. VILORIA • FISHER:**

Okay. And one of the other issues that came up with this, Counsel, had to do with aquatic •• is this just plants? Not animals? It was somebody dumping out his fish bowl? We wouldn't be running into criminal problems?

**MS. KNAPP:**

Legislator O'Leary amended this slightly and added to the definitions invasive non •native aquatic animal.

**LEG. VILORIA • FISHER:**

He added that?

**MS. KNAPP:**

The northern snake head and the \\_deep run\\_ mussel. And I believe that apparently there is •• there's a group who is very active in trying to prevent these non •native species. And I think that that addition must have been at

their request because we did amend it for that. And it does include that now.

**LEG. VILORIA • FISHER:**

Vito, is this something that's doable? I know that we had quite a bit of discussion about this. But it's been a little while since we had that meeting.

**MR. MINEI:**

Good afternoon. Vito Minei, Director of Environmental Quality for the Health Department. We submitted comments on this. And the Health Department is generally supportive. This would make the County a partner with the federal government and the state and others with regard to control of invasive species. But we had at least two concerns. Number one, naming the Health Department as the enforcement agency. We do not have staff available for this.

Another concern and maybe I would direct this to Counsel, is this recurring theme of having legislatively initiated regulations. And then directing the Health Department to enforce it under the sanitary code. It's been my understanding when these discussions have come up from time to time that the wording in the sanitary code is that the Commissioner and the Health Department are directed to enforce elements of the State Public Health Law and the sanitary code. I don't believe that's expanded to other Legislatively initiated regulations.

So, I would ask on the basis of those two, plus some questions regarding how comprehensive this bill is with regard to invasive species, that we have some time to possibly discuss further with Counsel and with the sponsor.

**MS. KNAPP:**

There certainly is some authority about the sanitary code and its status as a state legislation. But again I tell you that this Legislature has historically legislated in these areas of health and historically it has been enforced by the Health Department.

**CHAIRMAN LOSQUADRO:**

I believe that codifying this in law is the right direction. This is something

that we can no longer afford to ignore. We see what has happened in Lake Yaphank and a number of other lakes around the County and a number of waterways around the County. So, I for one am in favor of moving this out. Do you have any other ••

**LEG. VILORIA • FISHER:**

Yes, Mr. Chair. I just wanted to ask Vito another question because I agree with you. It's certainly a very •• clearly a critical issue invasive species on Long Island. But Vito, what would you seek to •• how would you seek to change this legislation so that it would be something within which the Health Department could operate?

**MR. MINEI:**

Well, we need staff. I mean something on the order of a technical person with a background either as a botanist. Typically we classified those staff as environmental analysts in our Office of Ecology. My point was we don't have an excess of this staff to devote to a new initiative. We're having difficulty with our current programs.

There was a number of questions in the body of our comments with regard to possibly expanding to other vegetated types that are invasive and to make it more comprehensive. Again, we are, in general, supportive of the concept.

**LEG. VILORIA • FISHER:**

As am I. I think it's a very good concept. But I remember that you did have some concerns about it. Okay. Thank you.

**CHAIRMAN LOSQUADRO:**

Thank you. I will make a motion to approve. Do I have a second?

**LEG. KENNEDY:**

Second.

**CHAIRMAN LOSQUADRO:**

Second by Legislator Kennedy. All those in favor? Opposed?

**LEG. VILORIA • FISHER:**

I'm opposed. I would like to go along with what Vito Minei has said to try to develop a more comprehensive approach to this problem.

**CHAIRMAN LOSQUADRO:**

Motion is approved. **(Vote: 4 • 1 • 0 • 1. Leg. Vilorina • Fisher opposed. Leg. David Bishop not present)**

**1728, a Charter to professionalize the qualifications of the County Planning Commission and promote Smart Growth principles for revising the composing of the County Planning Commission.** Counsel, can we get a brief explanation? I know it's quite lengthy.

**MS. KNAPP:**

Yes. This is •• it would constitute what I would call a significant change in the composition of the Planning Commission. The number of Planning Commissioners would go from 15 down to 11. One from each of the towns. And then one from an incorporated village. There is a requirement that a representative of the County Attorney attend and provide legal advice, but I would consider that to be a very minor change because I think that's a practice now.

The major change would be in instituting qualifications for the members of the Planning Commission. And the qualifications are •• they're extensive in that •• it's hard to go through them very quickly. But one member has to have previous planning experience consisting of at least two years service on a planning or zoning board and is not currently serving on a planning or zoning board.

At least one member has to be an attorney admitted to the practice with a background in land use and planning or environmental law. At least one member has to be a professional planner with experience in land use but not currently serving on any town, village, zoning or planning board. At least one member must possess a degree in civil engineering with a specialty in traffic and/or transportation related issues.

At least one member must have a background or expertise in affordable housing. No more than two members shall have a real estate background including experiences of broker, agent or developer. That's the first one that limits. Each of the other requirements were at least requirements. This is the first one that limits the number of members who can have a real estate background.

And the last qualification is that no more than two members shall presently be serving or have served as a leader of a community, civic or environmental organization.

**LEG. BINDER:**

Mr. Chairman?

**CHAIRMAN LOSQUADRO:**

Legislator Binder.

**LEG. BINDER:**

I think it is time that we professionalize. And as was said by someone who is a constituent in my district, we've suffered under not having a, I think, professionalism there. So, I make the motion and hopefully we can push this through and make some major changes. So, I'm making a motion to approve.

**MR. ZWIRN:**

May I be heard, Mr. Chair?

**CHAIRMAN LOSQUADRO:**

Mr. Zwirn.

**MR. ZWIRN:**

The County Executive had a bill •• competing bill to this which also called for qualifications of the members and a larger representation on the Planning Commission. This one reduces it from 15 to 11 and also eliminates one of the village representatives that currently serves on the Planning

Commission. So, he's adamantly opposed to this for professionalizing the Planning Commission absolutely. And if you've seen the recommendations to the appointments that he's made, you could see that that is already underway. So, as I say, he would re•file his bill, which was defeated, I believe, in committee. And get it •• professionalize the Planning Commission and also expand it beyond this. This is a much more narrow board than what presently exists.

**CHAIRMAN LOSQUADRO:**

I know that this is something that Legislator Schneiderman had discussed for quite sometime instituting professional qualifications. I am in favor of some changes. But as far as this piece of legislation goes, I am not in favor of it. So, do we have a second to that motion? Hearing none, I will make a motion to table.

**LEG. SCHNEIDERMAN:**

Second.

**CHAIRMAN LOSQUADRO:**

Second by Legislator Schneiderman. I do believe that this is something that warrants an additional look and further negotiation. And I think it's something that we should work towards a common goal of removing the politics out of this. And we did see a number of situations that were rather unfortunate. So, hopefully will this come towards a positive resolution. All those in favor? Opposed? **1728 is tabled. (Vote: 6•0)**

**1741, authorizing planning steps for the acquisition of land under the Multifaceted Land Preservation Program, Hawkins Avenue property, Town of Brookhaven.** This was the half acre parcel with a •• essential use as a pocket park, I believe.

**MR. ISLES:**

It's for parkland purposes in the resolution.

**CHAIRMAN LOSQUADRO:**

Right. I'm going to make a motion to approve this.

**LEG. SCHNEIDERMAN:**

Commissioner, is this the one that's got a commercial in the front and residential in the back?

**MR. ISLES:**

It has a parking lot on part of the site that services stores along Hawkins Avenue. The portion of this property is a wooded portion of this site as far as we understand it. We don't believe it includes the parking lot. This is an adjunct to a prior planning steps resolution that was approved. And this is on either side of that piece. It's still not being •• we understand from the sponsor that the intent is to put something like hiking trails in here.

We also understand from Real Estate that in discussing the acquisition on that main piece, the first piece with the owner, they indicated they would be interested in selling the whole thing, not part of it. We still have questions in terms of the use and the partner if this is going to be a partnership as a hamlet park. You know, those are fundamental whether we include this piece are the other piece combined. But that's our take on it.

**CHAIRMAN LOSQUADRO:**

I think •• one moment. I think in the interest of moving the entire acquisition forward and allowing the process being that this is planning steps to move forward with the surrounding parcel, as I said, I'm certainly in favor of moving this out. But Legislator Schneiderman, did you have additional thoughts?

**LEG. SCHNEIDERMAN:**

I think Legislator Kennedy ••

**CHAIRMAN LOSQUADRO:**

I think I had Legislator Vilorio•Fisher first and then Legislator Kennedy.

**LEG. VILORIA•FISHER:**

Tom, quickly what is the access to this property?

**MR. ISLES:**

It is on a public road, a town road that extends along the east side of the

property. And the road is called Carol Avenue.

**LEG. VILORIA • FISHER:**

So, it's actually on Hawkins Avenue?

**MR. ISLES:**

No. It's on Carol Avenue which is one block east of Hawkins Avenue. So, Carol Avenue •• this falls between Carol Avenue and Hawkins Avenue.

**LEG. VILORIA • FISHER:**

So, there is access onto the property itself? You don't have to go through the parking lot in the front?

**MR. ISLES:**

There is direct access, yes.

**CHAIRMAN LOSQUADRO:**

Legislator Kennedy.

**LEG. KENNEDY:**

My question goes to just there's been dialogue already with the owner. My understanding was that there was some need to go ahead and possibly have the owner do some segmenting, I guess, of how the holdings are at this point? Is there discussion going back and forth?

**MS. ZIELENSKI:**

Yes, there is discussion.

**LEG. KENNEDY:**

So, in other words they're of the mind that they would possibly in other words convey a portion of or whatever is entailed in this larger parcel?

**MS. ZIELENSKI:**

(Shaking head yes)

**LEG. KENNEDY:**

Okay. And it probably makes sense to go forward.

**CHAIRMAN LOSQUADRO:**

Okay. I have the motion to approve, seconded by Legislator Kennedy. All those in favor? Opposed? **1741 is approved. (Vote: 6•0)**

**1821, a Charter Law adopting the extension of Smart Government Plan for environmental protection, for County taxpayer protection and for sewer tax stabilization.** I'll make a motion to table, seconded by Legislator Viloría•Fisher. All those in favor? Opposed? **1821 is tabled. (Vote: 6•0)**

**1864, to appoint member of County Planning Commission.** Again, this is the •• this is for Edward James Pruitt. This is the Brookhaven appointment. And I believe Town of Brookhaven did submit a new name. I still haven't heard anything from the Executive.

**MR. ZWIRN:**

The Executive is sticking with this appointment. He appreciates them sending in a name at the last minute. But this is the person he would like to have on that •• he's recommending to the Legislature.

**CHAIRMAN LOSQUADRO:**

I appreciate you characterizing it that way, but I don't believe it was done at the last minute. There was a name out ••

**MR. ZWIRN:**

Well, it was a day the Committee met.

**CHAIRMAN LOSQUADRO:**

The Town of Brookhaven was not informed that their prior name •• it was a policy that the County Executive decided to implement on his own accord to not accept anyone as a member of a Town Planning Department. So, in good faith the Town of Brookhaven had a name out there. That was their Planning Director. They were not aware up until that point that they needed to submit a new name.

**MR. ZWIRN:**

Well, nevertheless the County Executive is recommending Mr. Pruitt. He appeared before the Committee. He was told he would not have to reappear.

**CHAIRMAN LOSQUADRO:**

I understand, absolutely.

**MR. ZWIRN:**

So, he's not here today.

**CHAIRMAN LOSQUADRO:**

Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

I remember Mr. Pruitt. I thought he presented well here. But is this a person consistent with what the County Executive's resolution on re-making the Planning Commission?

**MR. ZWIRN:**

Absolutely. His resume should have been submitted.

**LEG. SCHNEIDERMAN:**

This person is a business development representative, is he not?

**MR. ZWIRN:**

Right. In this particular case it think it's the Hauppauge.

**LEG. SCHNEIDERMAN:**

Hauppauge Industrial Park.

**MR. ZWIRN:**

That's correct.

**CHAIRMAN LOSQUADRO:**

Do we have a motion?

**LEG. BISHOP:**

I'll make it.

**CHAIRMAN LOSQUADRO:**

Motion to table by Legislator Bishop, seconded by Legislator Kennedy. All those in favor? Opposed? On the motion, Legislator Bishop.

**LEG. BISHOP:**

I think that we should get the input from Supervisor Elect Foley on the Brookhaven representative. So we'll table this one and see where he wants to go.

**CHAIRMAN LOSQUADRO:**

We did fill the vast majority of the open seats at the last meeting. So holding off on this one I don't think will hurt. All those in favor? Opposed?

**1864 is tabled. (6•0)**

**1940, Charter Law to amend the Suffolk County Charter to add representatives of environmental protection and historic preservation on CEQ.** Counsel, public hearing was closed, I believe?

**MS. KNAPP:**

Resolution 1940, 41, 42, 43 have all had public hearing and have been closed.

**CHAIRMAN LOSQUADRO:**

Okay. Public hearings have been closed. 1940, Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

Okay. Well, I have two and I think Jon Cooper •• Legislator Cooper also has two. This 1940 would expand the membership by two. Currently there are nine members. This would expand it to eleven members. The problem with expanding it to one is you can't •• you don't have an odd number so you can end up with a tie situation. This puts one environmental advocate by designee to ensure that this CEQ has one person •• at least one person there who's specifically focussed on environmental issues and has an expertise on the environment. And also the CEQ serves as the Historic Trust Review Board. Sometimes we forget that it serves that function and makes

recommendations in terms of historic preservation. And it would be good to have an individual there who had expertise. Now we do have an individual. I think Lance Mallamo is experienced, but this by statute would create a seat so that you'd never have a time in the future where there wasn't somebody who was well versed in historic preservation issues. I should say that there are competing resolutions.

**LEG. VILORIA • FISHER:**

Yes, it looks that way. How many on Jon Cooper's?

**LEG. SCHNEIDERMAN:**

They all ask for two. If I could just briefly tell you the differences. My other bill has two environmentalists. One from the eastern five towns, one from the western five towns. Jon's bill has two environmentalists from anywhere.

**LEG. BISHOP:**

And only •• and he doesn't speak to historic ••

**LEG. SCHNEIDERMAN:**

No.

**LEG. BISHOP:**

So, there's three bills?

**LEG. SCHNEIDERMAN:**

There's three bills.

**LEG. VILORIA • FISHER:**

I see four bills.

**LEG. BINDER:**

Four bills. He snuck two in the middle of his.

**LEG. SCHNEIDERMAN:**

Oh, he has another one?

**LEG. VILORIA • FISHER:**

He has a second one.

**LEG. SCHNEIDERMAN:**

Which one am I leaving out?

**LEG. VILORIA • FISHER:**

1942.

**LEG. SCHNEIDERMAN:**

1942.

**LEG. BISHOP:**

And what precipitated this crying need to ••

**LEG. SCHNEIDERMAN:**

Oh, I guess he has one that's just one environmentalist and he has one that's two environmentalists.

**LEG. VILORIA • FISHER:**

Yeah, okay.

**LEG. BINDER:**

I'm getting confused. Let the democrats lose in January.

**LEG. BISHOP:**

I agree.

**LEG. BINDER:**

Motion to table.

**LEG. BISHOP:**

Is there some crisis there that I should be aware of?

**LEG. VILORIA • FISHER:**

Yeah, it's Adrienne Esposito.

**LEG. BISHOP:**

Oh, that was it?

**CHAIRMAN LOSQUADRO:**

Okay. I'm going to make a blanket motion to table 1940.

**LEG. SCHNEIDERMAN:**

There was not enough room on the Committee for everyone who wanted to serve.

**LEG. BISHOP:**

Do they serve on terms or they're at will?

**LEG. VILORIA • FISHER:**

Terms.

**CHAIRMAN LOSQUADRO:**

Terms.

**LEG. SCHNEIDERMAN:**

Well, we're fortunate to have so many willing volunteers who want to serve in that capacity.

**LEG. VILORIA • FISHER:**

Make a motion to table.

**CHAIRMAN LOSQUADRO:**

I'm going to make a motion to table 1940, 1941, 1942 and 1943; seconded by Legislator Bishop. All those in favor? Opposed? **1940, 41, 42 and 43 are tabled. (Vote: 6•0)**

**1952, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, Town of Brookhaven. This is the Casco Limited Liability Corporation property, Town of Brookhaven.**

**LEG. VILORIA • FISHER:**

What was the problem with this?

**CHAIRMAN LOSQUADRO:**

I don't •• if you could give us a brief update on this?

**MR. ISLES:**

This is •• I believe we handed out aerials on this at the last meeting, although that was a few weeks ago. This is property located in the Manorville community. It is along County Road 111 and Sunrise Highway. It is a parcel that is primarily used for farming purposes with part of it wooded. The resolution is for planning steps for the purpose of considering this for an active recreational use. At that time we expressed concern for the fact that half the subject parcel in that original resolution was wooded and half was farmland.

The resolution has been amended to enlarge the site. It does include farmland. And our first choice would be to preserve that farmland in this case; however, this would also be a suitable site for active recreational use, we feel. It did achieve a rating of 39 in the County's rating system.

We did have a question, too, about sponsorship or partnership on this matter, which active recreation does require. Although this is only planning steps, we usually like to get some indication of a partner. We do understand that the sponsor has had discussions with community groups on this. So, I think overall summarizing, we think this is a good proposal in terms of planning steps. We would like to see a little more information on who the partner's likely to be and then we would fine tune that prior to an actual acquisition. But as far as the planning steps, it's okay.

**LEG. BISHOP:**

I think it's ironic that this is the sponsor who blocked the purchase of a sod farm for active recreational use which would have been the cheapest possible conversion to a soccer field. And so now he's coming back with one that I presume is going to cost a heck of a lot more to turn into an active recreational park.

**CHAIRMAN LOSQUADRO:**

Well absent the historical irony ••

**LEG. BISHOP:**

Which is why term limits are a good thing.

**CHAIRMAN LOSQUADRO:**

Motion to approve.

**LEG. SCHNEIDERMAN:**

Second.

**CHAIRMAN LOSQUADRO:**

Second by Legislator Schneiderman. All those in favor? Opposed? **1952 is approved. (Vote: 6•0)**

**1953, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program. This is the Eastport Manor property.** Similar brief update, please.

**MR. ISLES:**

And a similar answer as well. This is basically diagonally opposite where we just were. This is on the south side of Sunrise Highway just east of County Road 51.

**LEG. BINDER:**

Motion.

**CHAIRMAN LOSQUADRO:**

Similar purposes?

**MR. ISLES:**

Similar purposes. I think what they're doing is doing a hunt for land in this vicinity. I don't think he's proposing two at this location. Here, again, the resolution says twenty acres of the 77 acre parcel. We were curious as to which 20 acres. That would have to be confirmed somewhere along the way. There would also have to be a partner identified to develop and manage the facilities similar to my previous comments on the other

resolution.

**CHAIRMAN LOSQUADRO:**

Legislator Viloría•Fisher.

**LEG. VILORIA•FISHER:**

Interesting term that you used. A hunt for parcel. Is that indicating that we don't know whether or not we have willing sellers here. We're just casting out lines and spending this money on appraisals and not ••

**LEG. SCHNEIDERMAN:**

While you answer your phone ••

**LEG. VILORIA•FISHER:**

Well, you can answer that while I'm hanging up my phone.

**LEG. BISHOP:**

My mother told me never to go into a lady's pocketbook so I wasn't ••

**LEG. VILORIA•FISHER:**

Sorry.

**CHAIRMAN LOSQUADRO:**

Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

I have actually reviewed both of these parcels. I believe they're both worthy of preservation. So, you know, I think that planning steps should move forward.

**CHAIRMAN LOSQUADRO:**

Hold on. One at a time, please.

**LEG. VILORIA•FISHER:**

Okay. But I had a question which is, is there any indication of a willing

seller?

**CHAIRMAN LOSQUADRO:**

I understand.

**LEG. SCHNEIDERMAN:**

The genesis of how they got before us ••

**CHAIRMAN LOSQUADRO:**

Your cell phone ringing gave up your spot.

**LEG. VILORIA • FISHER:**

Come on, Mr. Chair.

**LEG. SCHNEIDERMAN:**

These are planning steps resolution.

**LEG. VILORIA • FISHER:**

But my question remains do we have a willing seller?

**LEG. SCHNEIDERMAN:**

That's part of the process.

**MR. ISLES:**

We do not, no.

**CHAIRMAN LOSQUADRO:**

I was just going to say, you know better than anyone, we send out letters of intent upon approval of planning steps. And then if we have a willing seller we move forward with the appraisal process. So, in this case I think that's a premature question.

**LEG. VILORIA • FISHER:**

Well, we often have an occasion that there's a willing seller before we even •  
• before we codify it with the planning steps resolution.

**LEG. SCHNEIDERMAN:**

Can I ask Commissioner if these parcels are already listed on the master list of farmland?

**MR. ISLES:**

The first parcel resolution 1952, I think, that did go to the Farm Committee. I think we did •• and the Farm Committee recommended it. I think there was contact with the owner. This was not recent. This was a while ago. And they declined an interest in participating in the County's Farmland Program. I'll have to check that, but that's my recollection of it.

**LEG. SCHNEIDERMAN:**

But in your opinion, in terms of purchase of development rights, both these properties would be worthy of the County's pursuing acquiring the development rights or the fee in this case?

**MR. ISLES:**

Yes. Yeah, I think would be definitely the first choice. Second choice would be community recreation. These are very visible sites. The first resolution 1952 is across from the statue coming up 111. Stargazer, right. Broad vista of farmland. So, it's a dramatic location, an important farmland. There is a subdivision application pending in the Town of Brookhaven on that site. So, that is proposed to be subdivided into single family homes. That's separate and distinct from what we're doing here; but nonetheless it is threatened by development as both parcels are actually. And there is a growing need for recreation in this part of Suffolk County. There's no question of that.

**CHAIRMAN LOSQUADRO:**

Absolutely. That area is under very high development pressure. I'll make a motion ••

**LEG. KENNEDY:**

Mr. Chair.

**CHAIRMAN LOSQUADRO:**

Legislator Kennedy. I'll get a second on that motion from Legislator Kennedy. On the motion, Legislator Kennedy.

**LEG. KENNEDY:**

Okay. I seem to recall the discussions we had earlier in the year on this. And I guess the only question that I would have regarding these resolutions is, I believe, that they're somewhat different than other planning steps resos in that there is no specific meets and bounds identified for us to acquire out of either one of these? We're speaking in broad terms of just an aggregate amount to acquire? Is that correct?

**MR. ISLES:**

Well, we don't normally have meets and bounds descriptions but we usually do it by tax map parcel description. In the case of certainly the second resolution 1953, I guess, it is they're showing 20 acres out of the 77. Here, again, that was a concern to us initially in terms of what does that mean and what part of the parcel is being talked about.

**LEG. KENNEDY:**

The language of the reso speaks to 20 acres or there is something that specifically identifies the 20 we would propose to acquire?

**MS. FISCHER:**

It stipulates the acreage in the resolution of 20 acres; however, the entire site is 77.6 acres. And so it's inherent in its discussion that it's part of that property. We don't know what part of that property, but I guess that is to be determined in negotiations.

**LEG. KENNEDY:**

I have a question for Counsel. My question goes to, again, obviously it makes sense to do this and I'm inclined and I'm probably going to want to go ahead and support it; however, I'm wondering if we're giving sufficient authority for the department to actually go ahead and enter into the negotiations in that we lack specificity as far as the contents of the reso itself.

**MS. KNAPP:**

This one is a little unusual in that ordinarily we put in the specific tax map numbers. In this case we've identified the tax map number and noted that

we are only acquiring part of that tax map. It's difficult to speak for the sponsor here, but I believe that the sponsor spoke with either someone at the town or with the owner of the property who indicated a willingness to either •• either this is how much they needed for a park or this is how much they were willing to sell of the property that they owned. And, again, you know, I'm not certain of that. I vaguely remember saying, you know, why are we only doing 20 acres.

**LEG. KENNEDY:**

So, I guess my question then is, is there sufficient authority based on the four corners of the reso for the department to go to the next step of the ••

**MS. KNAPP:**

Again, this is planning steps. And to the extent that it may be that when they •• if there is an acquisition that would ultimately follow, it may be under a different program that acquisition. It may indeed be for more or for less. Planning steps resolutions simply give the authority to the Planning Department to pursue; to pursue an acquisition. I mean, I think you wouldn't want to have the County Planning Commission going out and just writing letters to everybody in Suffolk County saying are you interested in selling us your property. So that this body gives direction either in an omnibus resolution in which the department has identified properties that they would like to pursue or in a specific planning steps resolution where a Legislator has identified properties. It does not necessarily bind the department to come back with an acquisition.

**LEG. KENNEDY:**

Understood.

**MR. ZWIRN:**

Mr. Chairman, if I could just add a little bit. When you authorize planning steps, and these are properties that I pass everyday so if they were preserved that would be nice for me and everybody who passes them because they are important parcels; but when you authorize planning steps, because of the modifications that were made during this term of the Legislature, it's very different today. They order appraisals. They get surveys down. I mean it starts a real •• it's a real process now.

**CHAIRMAN LOSQUADRO:**

Provided that ••

**LEG. KENNEDY:**

Predicated on the fact there's a positive response.

**MR. ZWIRN:**

Correct.

**CHAIRMAN LOSQUADRO:**

Right.

**LEG. KENNEDY:**

But in this case, then, the positive response would have to be something that entails a desire to sell and a desire to sell X number of acres? How would you structure your query?

**CHAIRMAN LOSQUADRO:**

Well, don't ask Ben.

**MR. ZWIRN:**

I think that's what the Planning Department •• is asking the same question.

**MS. ZIELENSKI:**

I think it would depend on the response we got from the owner. And it's not uncommon for us to buy part of a parcel. And so it would be an open negotiation at that point.

**LEG. KENNEDY:**

Okay.

**LEG. SCHNEIDERMAN:**

Can I just say something about this?

**CHAIRMAN LOSQUADRO:**

Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

Yeah. I think these are important parcels. I'd like to see the whole thing. I'm sorry it's only 20 acres. Hopefully there's a flexibility once the negotiations begin to look at a greater amount. But I see this as one of the great •• really the transitional area for the east end. So, as you're driving eastward, and it is a very popular tourism destination, and we spent a lot of money preserving the east end, as you drive and you go through the northern portion of County Road 111, which is quite developed, then you kind of go over a rise and you see vast acres of farm fields and you see the Stargazer statue, and this is in that area, and from there on it's largely Pine Barrens and no development, and then you get into what we think of the Hamptons areas, I think this an important transitional area that needs to be protected as a vista.

I'm not opposed to some playing fields there because at least it will be open lawns if that's the route that it goes. I'd prefer it to stay as farmland in this area. And I hope that this resolution will give you that flexibility to look at the various alternatives. If there's some needs for the school district to have some playing fields in the area, then that maybe could be planned out in a way that didn't affect the visit in a negative way. So, I'd like to see this move forward so we can least begin the discussions toward acquiring. And it would not be the first time the County has approved a resolution allowing for the •• taking an interest in a particular •• an ownership interest in a piece of property; a less than specific ownership interest.

**LEG. BINDER:**

Mr. Chairman?

**CHAIRMAN LOSQUADRO:**

Thank you. Legislator Binder.

**LEG. BINDER:**

Generally, in very general terms, not negotiating terms, what does acreage go for out there? General terms. General. Compare it to the west end.

**MS. ZIELENSKI:**

Well, we haven't done ••

**LEG. BINDER:**

Comparatively? Half?

**MS. ZIELENSKI:**

We haven't done much except development rights in that area.

**LEG. BINDER:**

Half of what it would cost in the west end, a quarter of the cost in the west end, the same as it costs in the west end? There's no way •• it doesn't cost the same.

**MS. ZIELENSKI:**

Well, it's getting there. It's getting there. That area has increased dramatically.

**CHAIRMAN LOSQUADRO:**

We're now engaging in speculation of value for a planning steps resolution.

**LEG. BINDER:**

The reason I'm asking ••

**CHAIRMAN LOSQUADRO:**

We already have a motion and a second.

**LEG. BINDER:**

I'm going to vote for it, but you know one of the questions that's going to have to be asked and keep going forward particularly where land, I think, is less if you were to compare it to the cost •• it's just a lot less in Huntington or Babylon; it's a lot less. And because there's a lot less, even if it's gone up out there, it's •• then it's also gone up in the west. In other words, they both go up, but it's still a lot •• it's got to be a lot less per acre from Huntington let's say to out here.

And I would just say, you know, we need housing in places •• affordable housing, cluster housing in places where there's less impacts on school

districts and where they can absorb more. I'm going to vote for this, but as we go forward, we're going to just keeping lands off the rolls. And just keep remembering that there's a trade•off. You can have affordable housing; you can have vistas. This isn't nice. You want to drive and you want to see vistas. That a wonderful thing to see vistas. But meanwhile workforce housing doesn't exist. And the cost of housing is skyrocketed. Then young people can't afford to live here and we don't have a work force. And so it's just something to think about as we go forward. I'm not going to be here to deal with that but everyone voting on these things in the future, and there's going to be a lot more of these, they're going to have to think about it.

**CHAIRMAN LOSQUADRO:**

Thank you, Legislator Binder. Legislator Bishop.

**LEG. BISHOP:**

Is this resolution sponsored by the same Legislator who opposed putting soccer fields on a sod farm? I think it is. I just find it ironic. Thank you.

**CHAIRMAN LOSQUADRO:**

Absent historical irony.

**LEG. SCHNEIDERMAN:**

Repetitive historical.

**CHAIRMAN LOSQUADRO:**

Yes. Absent redundant. We have a motion and a second to approve. All in favor? Opposed? **1953 is approved. (Vote: 6•0)** Onto introductory resolutions.

## **INTRODUCTORY RESOLUTIONS**

**2009, authorizing the acquisition of farmland development rights under the Suffolk County Save Open Space Farmland Preservation and Hamlet Parks Fund for the Ellgreen Company Property.**

**LEG. BINDER:**

I'm going to make a motion to table but I'd like to know where we are just to have •• have we gone forward, have we done the appraisal on that?

**MS. ZIELENSKI:**

I don't know what up to date to today.

**LEG. BINDER:**

Are we in discussions?

**MS. ZIELENSKI:**

Janet can give us up 'till today.

**CHAIRMAN LOSQUADRO:**

Hello, Janet. How are you? Where are we?

**MS. LONGO**

Hi. Okay. The Ellgreen originally was full fee. Originally the Ellgreen property was full fee. And then the resolution was for the development rights.

**LEG. BINDER:**

Right. Because they changed what they would be willing to do.

**MS. LONGO:**

Right. So we made them an offer. And they're thinking about it.

**LEG. BINDER:**

Okay. That's great.

**MS. LONGO:**

They haven't accepted it, but they're thinking about it.

**LEG. BINDER:**

Excellent.

**CHAIRMAN LOSQUADRO:**

Motion to table by Legislator Binder, seconded by myself all. All those in favor? **Opposed? 2009 is tabled. (Vote: 6•0)**

**2017, authorizing planning steps for the acquisition of land under Suffolk County Save Open Space Hamlet Preservation and Hamlet Park Fund, estate of Elva G. Commerdinger, Town of Smithtown.** This is approximately a five acre parcel and it's being distributed.

Mr. Isles, if you could just comment at first blush being surrounded by County land and bordering on New York fresh water wetlands, I'm a bit surprised that their rating came back as low as it did.

**MR. ISLES:**

Yeah, it is. The rating form is not perfect, but this is a case where the aerial photograph does point out very well what you just mentioned. This is adjacent to Lake Ronkonkoma County Park. The only •• the parcel speaks for itself in terms of its park value in terms of the impact to the County Park, the connectiveness to that.

The only issue we had with this was the existing structures on the property. We have discussed this with the Parks Commissioner. We feel that this would be a good acquisition by the County assuming, obviously, the price is right and so forth. And understanding that most likely what would happen here is we'd buy the property without the buildings on them.

**CHAIRMAN LOSQUADRO:**

And raise those structures?

**MR. ISLES:**

Right.

**CHAIRMAN LOSQUADRO:**

Okay.

**MR. ISLES:**

Just so it doesn't become a white elephant for the County in some form.

**CHAIRMAN LOSQUADRO:**

Exactly. Very good. Motion by Legislator Kennedy.

**LEG. KENNEDY:**

Well, obviously I'm going to make a motion to approve. And what I would say is that I've had the opportunity to be on the property with the Parks Commissioner and some of his support staff. As you can see what that does is it would complete what really is the top area, I guess, the pinnacle of the Great Bogg, the Lilly Ponds area. And I guess what I would encourage you to go ahead and just take a look at, assuming that, you know, my colleagues here are of the same mind, we're going to go ahead and support it. All right. Yeah, I'll start blabbing. There's hours on this. Come on, man, this gets good rating. Motion to approve.

**CHAIRMAN LOSQUADRO:**

Motion to approve by Legislator Kennedy, seconded by myself.

**LEG. BISHOP:**

On the motion.

**CHAIRMAN LOSQUADRO:**

On the motion Legislator Bishop.

**LEG. BISHOP:**

Is this the Town of Smithtown or Town of Islip?

**LEG. KENNEDY:**

Town of Smithtown.

**LEG. BISHOP:**

That's the town that has no affordable housing designated area. It would seem to me this is already developed with housing on it; right?

**LEG. KENNEDY:**

Actually there is one residence and one chicken coop.

**LEG. BISHOP:**

What does a chicken coop go for in Smithtown?

**LEG. KENNEDY:**

Actually it's pretty snazzy. You know, you can probably dress it up. The cleared area is probably only about at most perhaps an acre or so; or an acre and a half of the five plus •• 5.4 ••

**CHAIRMAN LOSQUADRO:**

Seven.

**LEG. KENNEDY:**

•• acres in the whole parcel. The southern part of it actually is •• right adjacent to the wetlands there and is marshy or boggy, if you will, as such. It really would not be something, I think, that would necessarily be, you know, an area germane to affordable housing.

**CHAIRMAN LOSQUADRO:**

Motion and a second. All those in favor? Opposed?

**LEG. BISHOP:**

Opposed.

**CHAIRMAN LOSQUADRO:**

**2017 is approved. (Vote: 5•1•0•0. Leg. Bishop opposed.)**

**2019, making a SEQRA determination in connection with the proposed improvements to sewer district number 22, Hauppauge Municipal Waste Sludge Reduction, Town of Smithtown.** Motion by Legislator Schneiderman, seconded by Legislator Bishop. All those in favor? Opposed? **2019 is approved. (Vote: 6•0)**

**2020, making a SEQRA determination in connection with the proposed sewer district number 2, Southwest Sludge Project/Ash Lagoons.** Same motion, same ••

**LEG. BISHOP:**

Wait, wait. What's the SEQRA determination? No impact? Sludge and ash?

**CHAIRMAN LOSQUADRO:**

This is •• the project involves the construction of sludge incinerator. Ash lagoons, the dry ash prior to disposal. It's an unlisted action.

**LEG. BISHOP:**

Which means what? What's the implication of the decision that we're about to make?

**MS. KNAPP:**

It's an unlisted action with a negative declaration, which means the negative declaration part means it can go forward without further SEQRA compliance.

**LEG. BISHOP:**

Well, what's the point of SEQRA if •• when you're doing ash lagoons and sludge projects, you're not even going to take an environmental review of it?

**LEG. SCHNEIDERMAN:**

Mr. Bagg, would you step forward?

**CHAIRMAN LOSQUADRO:**

Jim? We're playing musical chairs at the table today. Thank you, Jim. I thought we could just make our way through these but we have to have an explanation on a couple of things so please.

**MR. BAGG:**

Well, basically it does get an environmental review. An environmental assessment was done and submitted to CEQ. The project was sent out for comments and feedback from the various towns. And the project was reviewed based on the criteria of SEQRA. Now, every project has an impact. But the question comes down to whether that impact is considered significant or not. And the Council's review based on input from the Department of Public Works and the local municipality is that it would not

have a significant impact on the environment because it's within the confines of an existing sewage treatment plant on an area already disturbed. And the project is designed to improve the efficiency of the sewage treatment facility.

**LEG. BISHOP:**

Is there anything different being done to the sewerage process as a result of this project? What's the •• how about this? Why don't you just describe what the project is in brief? Maybe Mr. Wright can do that.

**MR. BAGG:**

Ben Wright is here to answer those questions.

**MR. WRIGHT:**

This is a modification to a determination that was made a couple of years ago. The only change is on the method of dewatering the ash that comes from the incinerator, instead of a mechanical system, which is more costly, this ash lagoon system takes very little operation and maintenance and very little equipment. It's being located between berms on the west side of the plant. Based on a letter from the Supervisor in Babylon, we're evaluating, enhancing the berms that are there in order that the vista isn't disturbed.

**LEG. BISHOP:**

Those are the Bishop berms.

**MR. WRIGHT:**

Yes.

**LEG. BISHOP:**

You're building lagoons within the berm complex?

**MR. WRIGHT:**

Yes, between the two berms on the west side, which you're most likely familiar with.

**LEG. BISHOP:**

Right. Okay. And that has no •• that doesn't require a study from •• that's

just, you know, we put it out to comment and if nobody objects it's ••

**MR. WRIGHT:**

Well, the only objection was a letter from the Town of Babylon indicating that we should consider putting leyland cyprus and red maple on the berm.

**LEG. BISHOP:**

Right. And old fashion street lighting because we love that, too.

All right. It doesn't strike me as a wise way to proceed but take your vote. I'll just vote against it.

**CHAIRMAN LOSQUADRO:**

We have a motion by Legislator Kennedy, seconded by myself. All those in favor? Opposed?

**LEG. BISHOP:**

Opposed.

**CHAIRMAN LOSQUADRO:**

Legislator Bishop is opposed. **2020 is approved. (Vote: 5•1•0•0. Leg. Bishop opposed)**

**2021, SEQRA determination in connection with the proposed development of a Collections Plan for Sagtikos Manor County Park, West Bay Shore, Town of Islip.** I have the plan will include a complete historic furnishings report for the main house at Sagtikos Manor. It's a Type II Action. Same motion, same second •• well, no. Same motion, same second. All those in favor? Opposed? **2021 is approved unanimously. (Vote: 6•0)**

**2022, making a SEQRA determination in connection with the proposed Francis S. Gabreski Airport Redevelopment of LI Jet Center East, Town of Southampton.**

**LEG. BISHOP:**

This will have new environmental impact.

**LEG. SCHNEIDERMAN:**

We need an explanation. Jim, could you explain what the project is and what the determination ••

**MR. BAGG:**

It's in your resolution. Basically Long Island Jet Center currently is a provider at the airport. They provide fuel and other services. They have buildings there. The idea is to build a terminal building for existing operations and improve their fuel facility that's already there. It's already on a cleared area asphalt area of the runway which is currently used at the airport.

**CHAIRMAN LOSQUADRO:**

And it would remove the •• include the removal of an existing underground storage tank; correct?

**MR. BAGG:**

I believe so, yes. Everything, yes. Everything being in conformance with Article 7 and 12 of the Sanitary Code.

**LEG. SCHNEIDERMAN:**

How big is the terminal that they would build?

**MR. BAGG:**

Since this went before the Committee last time, I didn't bring that resolution. I believe it's probably in the resolution.

**LEG. SCHNEIDERMAN:**

I would like to say that there are many projects pending for Gabreski Airport; development projects. And that the County is in the process of developing an updated master plan. And that to look at these on a case by case basis is to ignore the cumulative impact of everything that's being proposed at Gabreski Airport, which I believe should be the subject of an Environmental Impact Statement. All of the development that's proposed. The resolution before us is a neg dec or is it a ••

**MR. BAGG:**

Yes, the Council recommended it's an unlisted action negative declaration because it's an improvement to an existing facility and operation at the airport.

**LEG. SCHNEIDERMAN:**

How significant is the additional •• you're talking about a new terminal. That's probably a large ••

**MR. BAGG:**

I believe they're two buildings. And now this will be another small building.

**CHAIRMAN LOSQUADRO:**

I believe it's the conversion of a hangar into the ••

**MR. BAGG:**

You'd have to ask the Department of Economic Development to explain that more fully.

**LEG. SCHNEIDERMAN:**

I'll make a motion to table.

**CHAIRMAN LOSQUADRO:**

Very well. Motion to table to by Legislator Schneiderman, seconded by Legislator Kennedy. All those in favor? Opposed? **2022 is tabled. (Vote: 6•0)**

**2023, making a SEQRA determination in connection with the proposed sewer district number three, Southwest Power Supply.** This is just for electrical service replacement; correct?

**MR. BAGG:**

That is correct. I believe that they had a problem and the pumps went down. So, they needed to have an emergency placement.

**CHAIRMAN LOSQUADRO:**

Okay. Motion by Legislator Bishop, seconded by Legislator Kennedy. All those in favor? Opposed? **2023 is approved. (Vote: 6•0)** I have a mistake on mine.

It's 24. It is 2024. I apologize. My agenda said 23 twice. **2024•05, making a SEQRA determination in connection with the proposed construction of sidewalks on various county roads at CR 58, Old Country Road, from the Expressway to County Road Roanoke Avenue. This is County project 5497.** It's a Type II Action.

**MR. BAGG:**

Council recommends that because there are existing sidewalks that are along that road that were done for development, they're just going to fill in the section.

**CHAIRMAN LOSQUADRO:**

Same motion, same second, same vote. **(Approved. Vote: 6•0)**

**2061, adopting a local law to clarify Planning Commission jurisdiction.** I would certainly love to hear an explanation of this. Actually while we're waiting for an explanation of this, I would just like to make a motion to place 2019, 2020, 2021, 2023 and 2024, the approved SEQRA determinations, on the consent calendar. I'll make that motion.

**LEG. KENNEDY:**

Second.

**CHAIRMAN LOSQUADRO:**

Seconded by Legislator Kennedy.

**LEG. BISHOP:**

I don't think you can put non•unanimous.

**LEG. VILORIA•FISHER:**

It's not unanimous.

**CHAIRMAN LOSQUADRO:**

Which one was that?

**LEG. VILORIA • FISHER:**

2020 was not unanimous.

**CHAIRMAN LOSQUADRO:**

Which one was that you voted against, Dave?

**LEG. VILORIA • FISHER:**

2020.

**CHAIRMAN LOSQUADRO:**

Oh, okay. I apologize. There was a non•unanimous vote there.

**LEG. BINDER:**

Everything but 2020.

**CHAIRMAN LOSQUADRO:**

2021, 2023 and 2024 on the consent calendar, seconded by Legislator Viloria•Fisher. And 2019. I apologize. On the consent calendar. All those in favor? Opposed? 2019, 2020, 2023 and 2024.

**LEG. SCHNEIDERMAN:**

No, not 2020.

**CHAIRMAN LOSQUADRO:**

I said it wrong again. **2019, 2021, 2023 and 2024 on the consent calendar. It's approved. (Vote: 6•0)** It's all Dave's fault for voting against that.

All right. Can we please get an explanation on 2061?

**MR. ISLES:**

To give a brief explanation to resolution ••

**CHAIRMAN LOSQUADRO:**

I understand this is subject to a public hearing. But it is going to come back before us shortly so if we could get a very brief explanation.

**MR. ISLES:**

Fundamentally what this is seeking to do is to conform County law with State law. General Municipal Law defines how county planning commissions can operate. And it has come to our attention that there are parts of the county, charter and the county administrative code that are inconsistent with state law. And for example, state law requires that the County Planning Commission must review comprehensive plans and comprehensive plan amendments that are referred to it by the municipalities in the county. That's not explicit right now in our local laws.

In addition, another example would be state law requires that if you have a county planning commission, which of course we do have, any property within 500 feet of an agricultural district must be referred to the County Planning Commission if it's a subject of an application at a municipal level.

Our local code does not have any of that language. It's absent of that. So, much of this, the intent of this from our standpoint is to conform County law to State law.

The third and final •• this is significant to point out •• is that here again state law says that county planning commissions must review site plans. We have no mention of site plans in our local codes. So once again to conform our state local code to the state law. So, a lot of this pages 241, 242, 243 all of that is somewhat repetitious language all involving site plan review similar to how we do zoning review, subdivision review and so forth. That's essentially what the purpose of this is.

**CHAIRMAN LOSQUADRO:**

All right.

**LEG. SCHNEIDERMAN:**

Commissioner, is that all site plans?

**MR. ISLES:**

It's all site plans that are subject to the jurisdiction of the Commission which would be mean if it's along •• 500 feet of a state or county road, municipal boundary. Any of the triggers that would apply in a zoning or subdivision situation would then apply here.

**LEG. SCHNEIDERMAN:**

And again would a negative determination by the Planning Commission require a super majority override by the Town Board? Or the Planning Board?

**MR. ISLES:**

The Town Board or the Planning Board of the Zoning Board of Appeals, whoever has the jurisdiction.

**CHAIRMAN LOSQUADRO:**

Well, we're going to be taking this up in a public hearing, I believe, on Tuesday. Once it's returned to us, we'll certainly be discussing this further. Motion to table for a public hearing by myself, second by Legislator Vilorio •Fisher. All those in favor? Opposed? **2061 is tabled pending a public hearing. (Vote: 6•0)**

**2072, authorizing the Suffolk County Executive's Office to be the signatory on all Environmental Restoration Program grant related documents.** Mr. Zwirn? Or Counsel, do you have an explanation of this?

**MS. KNAPP:**

Apparently this state program requires, unlike most grant applications where the legislative approval is required only for grant acceptance, apparently this grant program requires that the Legislature either approve or specifically delegate authority to apply. And this resolution would •• authorizes the County Executive and his duly authorized deputies including but not limited to Chief Deputy County Executive Paul Sabatino, II, Esquire, to sign all

environmental restoration program grant related documents on behalf of the County. On behalf of Suffolk County.

**LEG. BINDER:**

Do we have a name of the actual person?

**MR. ZWIRN:**

Yes, somebody has to sign these documents. So, we're just identifying who's going to be doing it.

**CHAIRMAN LOSQUADRO:**

I apologize. Give me one moment. So the state DEC says this needs to be signed by an individual expressly authorized to do so. So we must codify that in law is what you're saying for us to be able to receive that?

**LEG. BINDER:**

You can't codify the decision. In other words, it has to be the name of the position person not the position?

**CHAIRMAN LOSQUADRO:**

Well, it says including but not limited to. So, it would have to be any Chief Deputy County Executive. Would that be accurate, Counsel?

**MS. KNAPP:**

The whereas clause says that the DEC has said that certain documents need to be signed by an individual expressly authorized to do so by local resolution.

**LEG. BINDER:**

That's an amazing resolution.

**LEG. KENNEDY:**

Mr. Chair?

**CHAIRMAN LOSQUADRO:**

Legislator Kennedy.

**LEG. KENNEDY:**

Counsel, doesn't •• the Charter, my recollection basically is that the Charter empowers the County Executive and/or his designee to go ahead and bind the County of Suffolk for contractual negotiations, grant applications and things such as that. We have that language in the Charter now, don't we?

**MS. KNAPP:**

Yes.

**LEG. KENNEDY:**

Okay. Then I guess I would go back to the table then. Why are we looking at ••

**MR. ZWIRN:**

There is a letter here from the Commissioner of Health who requested that this resolution be entertained because New York State Department of Conservation has indicated that certain environmental restoration program, Brownfields programs, grant related documents need to be signed by an individual expressly authorized to do so by local resolution.

**LEG. BISHOP:**

Okay

**LEG. VILORIA • FISHER:**

That's what you just read. That's what it says here.

**MS. KNAPP:**

The Whereas Clause says that in exactly that language.

**LEG. VILORIA • FISHER:**

Motion to approve.

**LEG. SCHNEIDERMAN:**

What about the Resolve Clause? Is there anything else in here that goes beyond that power?

**LEG. BISHOP:**

They're concerned if they're seating power. So why don't we justify address it?

**MS. KNAPP:**

Well, the only thing that I think is slightly unusual about the Resolve Clause is that it authorizes the County Executive and the Deputy County Executives; but then it only names one particular Deputy as the authorized signatory, which if they need the names, I would imagine that they should have put all of the names so that any one of those could have signed it in the absence, which I know never happens, but if ever God forbid there was an absence of that particular authorized person, then, one of the other deputies would then be authorized to sign these documents.

**MR. ZWIRN:**

That person is in the office all the time.

**LEG. SCHNEIDERMAN:**

Counsel, the Resolve Clause actually ••

**MR. ZWIRN:**

We always know where to find the authorized signatory. In fact. If you call there late tonight, he'll be signing.

**LEG. SCHNEIDERMAN:**

But isn't that going to be a problem if that becomes part of our statute that •• that that name is going to stay in the County Charter?

**MR. ZWIRN:**

It doesn't matter what happens in next election, he's staying there. He's in the Paul Sabatino Wing.

**MS. KNAPP:**

Again, the only comment that I would make is that the Resolved Clause seems to be almost internally contradictory in that it does say it authorizes County Executive, which is clear •• it didn't have his name in it •• and his duly authorized Deputies.

**LEG. BINDER:**

Deputies.

**MS. KNAPP:**

Then it says including but not limited to.

**LEG. SCHNEIDERMAN:**

Finish that line.

**MS. KNAPP:**

Chief Deputy County Executive Paul Sabatino, II, Esq.

**LEG. VILORIA • FISHER:**

Three, actually.

**MS. KNAPP:**

It's been corrected. My version •• so the legislative clerk must have made the correction, because the original one did say three. But my latest version seems to say two.

**LEG. VILORIA • FISHER:**

It's the second.

**MS. KNAPP:**

The only legal point that I would make is that it talks about deputies including but not limited to. And then it only has one name. So that in the absence of that one person, it does seem that it should have listed all the deputies.

**MR. ZWIRN:**

Well, I think they went in the ••

**CHAIRMAN LOSQUADRO:**

But the language, Mr. Zwirn, says an individual expressly authorized. So to have the County Executive and his deputies and then list one name that's not even the County Executive's doesn't seem to conform to the request

which is an individual expressly authorized; not plural, singular.

**MR. MINEI:**

Maybe I can help?

**CHAIRMAN LOSQUADRO:**

Please.

**MR. MINEI:**

My staff, we're the ones that were receiving the input directly from the State DEC. And they discussed an individual. And they also specifically directed my staff to have a resolution prepared and approved by the Legislature for that individual.

On a personal note I can attest that I've received e-mails from that individual well past eleven PM. So, I can say he's never left the office either. But the guidance we've received from the state ••

**LEG. SCHNEIDERMAN:**

And that was on a Saturday night, too.

**MR. MINEI:**

I could tell you that the direction from State DEC staff to my staff was for a resolution naming one person.

**LEG. VILORIA • FISHER:**

But Vito was it by name or by title?

**MR. MINEI:**

Yes, by name and title, yes.

**LEG. VILORIA • FISHER:**

By name and title, you're saying.

**MR. MINEI:**

Yes. Because Paul will have to sign it, yes.

**CHAIRMAN LOSQUADRO:**

But this says •• you have just repeated what •• the way that I interpret this as, an individual. But that's not how •• and that was requested but that's now how this legislation reads.

**MR. MINEI:**

Well, the protocol was we sent up an application; a draft application. And the response was that individual. And it was Paul Sabatino, II, Esquire. And •• I kind of lost my train of thought here. But the point was that the direction to my staff was have that person authorized by a duly enacted resolution of the Legislature. So, they were talking individual there in response to, I believe, the County protocol to have the Chief Deputy sign the document. They were fine with that. All they wanted was a resolution saying that individual was authorized to do it.

**CHAIRMAN LOSQUADRO:**

As I said, if that's the case then the resolution should read authorizing Paul Sabatino, II, Esquire; not the County Executive, his deputies including but not limited to.

**LEG. BINDER:**

Right. That's the problem.

**CHAIRMAN LOSQUADRO:**

I don't see this as a •• it doesn't seem like this satisfies the letter of the law.

**LEG. BINDER:**

Or what they request.

**CHAIRMAN LOSQUADRO:**

Or what they requested.

**LEG. BINDER:**

Do two weeks.

**CHAIRMAN LOSQUADRO:**

Yeah. Mr. Zwirn, if you could please have the Chief Deputy County Executive look into the •• what's his name again? Paul Sabatino, II, Esquire •• look into this and see if it has to be him specifically or if we want to list the County Executive by name specifically. But if we can pick an individual who we are going to authorize to be a signatory for this, we'll be happy to do that. But as it reads right now I don't see this as being in compliance.

**LEG. KENNEDY:**

Mr. Chair, I'd always like to ask also if the state agency will also acknowledge that notwithstanding our powers that are granted specifically to the County Executive under the County Charter, it clearly does go ahead and indicate that he does have the authority to go ahead and bind the County of Suffolk by contract as well as the authority to delegate to his Deputies, Chief Deputies, as contracts and grant apps and many other things have gone on for decades out of this County, that State DEC is saying that notwithstanding, they feel that they have the ability to abrogate that section of the Charter and require this specific reso. If somebody can flush that out for us.

**MR. ZWIRN:**

Can you repeat that?

**LEG. KENNEDY:**

I got the abrogate part. How's that?

**CHAIRMAN LOSQUADRO:**

All right. So, we're going to table this for the time being until we can get an answer to those questions. Motion to table by myself, seconded by Legislator Kennedy. All those in favor? Opposed? **2072 is tabled.**  
**(Vote: 6•0)**

**2076, authorizing acquisition of land under the first Quarter Percent Suffolk County Drinking Water Protection Program, Town of Islip, DiLeo property. This is Champlin Creek addition.**

**MR. ISLES:**

Yes. This is in for final authorization for acquisition based on a prior planning steps resolution. It was also included in the master list one. The Division of Real Estate is here to speak on any aspects of the acquisition. It did go through the Environmental Trust Review Board. It's slightly less than one acre of land. It's adjacent to •• it's within the corridor of Champlin's Creek in the Town of Islip. And it is coming from the Old Drinking Water money, the 12•5 (e) money, which is strictly Islip money in this case.

**CHAIRMAN LOSQUADRO:**

Very good. Any question?

**LEG. VILORIA•FISHER:**

No. It looks good. 12•5 E.

**CHAIRMAN LOSQUADRO:**

Motion to approve by myself, seconded by Legislator Schneiderman or Legislator Kennedy. All those in favor? Opposed? **2076 is approved.**  
**(Vote: 6•0)**

**2093, authorizing planning steps and acquisition under Suffolk County Quarter Percent Drinking Water Protection Program, South Bay Street Property, Town of Babylon.** A whopping point 22 acres.

**MR. ISLES:**

Lauretta's handing around aerial photographs on this parcel. This is property owned by the Village of Lindenhurst. It is adjacent to a village park. It is on the coast on the Great South Bay. The parcels total or the two parcels total about point 22 of an acre. The question we would have on this is the •• is the idea of purchasig the property from a municipality from the village.

And then secondly, one of the structures •• one of the parcels does appear to have a structure on it. We're not sure what the purpose of the County purchasing that would be. So, we have questions at this point in terms of what the intention is.

**LEG. BISHOP:**

They're all reasonable questions. You need to understand two things about this. One is it's 12•5 E. It's the Babylon money only. And second, the reason this is being done this way is •• let me strike that. It's backwards. And we acknowledge it's backwards. What happened was that the Village went forward because the owner was threatening to do a private sale and bought it privately. They always intended to do a partnership with the county but they already have acquisition. The record will show they haven't owned it very long; just a few months. And what they're looking to do with the County money is knock down the building and expand the park that's existing there.

So, every dollar that we would put into it would go back into this parcel. It's not going into the Village Treasury. They're looking to integrate this purchase into the park that's adjacent to it. And they're looking to do it out of the 12•5 E Babylon fund. Isn't that how the resolution's written by the way? Is it 12•5 E? Do I need to amend it?

**MR. ISLES:**

12•5 E, yeah.

**LEG. BINDER:**

Why are we buying a parcel half in the water?

**LEG. BISHOP:**

Well, for water skiing. No. What do you mean half in the water?

**LEG. VILORIA•FISHER:**

It's showing half in the water.

**LEG. BISHOP:**

Oh, I don't know if it's half in the water. I didn't draw that line.

**LEG. VILORIA•FISHER:**

Must have been low tide or high tide when they took the picture.

**CHAIRMAN LOSQUADRO:**

I'm sorry. Could we hold up one second. I'm sorry. What was that

comment?

**MS. FISCHER:**

That is the boundary of the parcel. And it goes into ••

**CHAIRMAN LOSQUADRO:**

I don't think that mike's on.

**MS. FISCHER:**

I'm sorry. It does go into the Bay.

**CHAIRMAN LOSQUADRO:**

Okay.

**LEG. BISHOP:**

Bay bottom. A little bay bottom. What I'll do is I'll table it and let the Village officials make their pitch at the next meeting.

**CHAIRMAN LOSQUADRO:**

If they could. And also to ••

**LEG. BISHOP:**

But that's the explanation. So you have background when they come.

**CHAIRMAN LOSQUADRO:**

To allay any fears that we might be paying •• you said they haven't owned it for very long. I hope they're not applying appreciation and the value of the property.

**MR. ISLES:**

Yeah. It is a Village park, too. So, I think that's going to be an issue if it's going to be the County buying this piece who County residents have access and all that.

**LEG. SCHNEIDERMAN:**

Right. It would have to become a County park.

**LEG. BISHOP:**

Maybe we'll explain that to them. But I think they'll be all right with that. Not exactly easy to get to.

**CHAIRMAN LOSQUADRO:**

Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

Commissioner, does the 12•5 E money allow for active recreation parks?

**MR. ISLES:**

I see a yes and a no. Yes, okay.

**LEG. SCHNEIDERMAN:**

Can that be looked into before we act on this?

**MR. ISLES:**

Okay. We'll get that.

**CHAIRMAN LOSQUADRO:**

Motion to table by Legislator Bishop, seconded by myself. All those in favor? Opposed? **2093 is tabled. (Vote: 6•0)**

**2109, amending the 2005 Capital Budget and Program and appropriating funds in connection with public health related harmful Algal Blooms.** Explanation. Can we get a brief explanation on this?

**MR. MINEI:**

Yes. This work is a companion to our long standing work on brown tide. Since the mid•eighties we've had capital programs for research and investigations on brown tide. Approximately five years ago following a 60 Minutes episode that highlighted public health related algal blooms, we initiated a study of one very nasty critical \\_fisteria\\_ which was highlighted in 60 Minutes causes not only massive fish deaths, but also public health problems; upper respiratory problems, memory loss, skin lesions.

So, we investigated that starting about five years ago. We've identified a number of spots in Moriches Bay and Great South Bay where we had positive detections of this screening mechanism. And then the other public health harmful algal bloom is red tide, a form of red tide that causes paralytic shellfish poisoning. Several years ago we had a positive detection in Reeves Bay.

The request here is broken out •• \$60 thousand is broken down. \$20 thousand to do this \\_fisteria\\_ investigation using one of the two principal investigators in the country. A Dr. \\_Park Rubly\\_ from North Carolina. And then the second part is to buy a piece of equipment so we can do rapid identifications of that red tide.

**LEG. VILORIA • FISHER:**

I make a motion to approve.

**LEG. SCHNEIDERMAN:**

I have some questions.

**CHAIRMAN LOSQUADRO:**

Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

Legislator Binder wanted to know how you identify when a clam is paralyzed.

**CHAIRMAN LOSQUADRO:**

It becomes a mono•valve; not a bivalve.

**MR. MINEI:**

The problem is •• if I can revert to my public health office role •• the paralysis is in the consumption of the shellfish. Not very pleasant. And the old way of detecting it was to use a serum extracted from the shellfish and inoculating mice. And those poor critters would croak from paralysis. But the concern is in the consumer of the shellfish. That tried to detect paralyzed shellfish, but it is a graphic picture. Thank you.

**LEG. SCHNEIDERMAN:**

My question is what is your mitigation? What are you proposing to do when you identify these harmful algal blooms?

**MR. MINEI:**

With *E. coli* the problem in North Carolina and Delaware and Maryland was excessive sources of nitrogen. It was either chicken or pig farms. A chicken in the case of Delaware. Pig farms in the case of North Carolina. The paralytic shellfish poisoning, it might be a little bit more diffuse, but we believe it is indeed human inputs of certain contaminations.

**LEG. SCHNEIDERMAN:**

But, Vito, specifically to this resolution, amending the capital budget, there's money that's being expended to do something. What is the money being expended to do?

**MR. MINEI:**

For the investigation. Of the \$60 thousand as I mentioned was broken down for a researcher in North Carolina to do ••

**LEG. SCHNEIDERMAN:**

So to identify it; not to treat it.

**MR. MINEI:**

No. It's identification. What we've been doing so far is what's referred to as a screening detection method. The one that Dr. *Rubly* does is very specific to the identification of the individual organism. And the same with the piece of equipment; would be a fluorescent technique to identify this particular red tide. It's identification only.

**LEG. SCHNEIDERMAN:**

Once it is identified, do you have a method of control?

**MR. MINEI:**

Well, as I mentioned with regard to *E. coli*, it would be control of major sources of nitrogen inputs. With red tide it may be more problematic in

diffuse sources; especially when you think of where we found it in the past.

**LEG. SCHNEIDERMAN:**

All right. I'm just trying to make sure it's not a pesticide type of program.

**MR. MINEI:**

No.

**LEG. SCHNEIDERMAN:**

Or introducing chemical agents.

**MR. MINEI:**

No. The detection is an analytical detection method.

**LEG. SCHNEIDERMAN:**

Okay. This is just to determine whether we have a problem.

**MR. MINEI:**

Right.

**LEG. SCHNEIDERMAN:**

Okay.

**LEG. VILORIA • FISHER:**

Okay. I made a motion to approve.

**CHAIRMAN LOSQUADRO:**

Motion to approve by Legislator Viloría • Fisher, seconded by Legislator Schneiderman. All those in favor? Opposed. **2109 is approved. (Vote: 6•0)**

**2126, amending the Capital Budget and Program and appropriating funds in connection with the Suffolk County Community Greenways Fund, Educational and Interpretive Center.** This was the resolution that Commission Foley spoke of. Do I have a motion? Excuse me?

**LEG. VILORIA • FISHER:**

I have a question of Counsel. I remembered this •• a resolution similar to this. And, Counsel, have you indicated that was a compromise measure or collaboration?

**MS. KNAPP:**

There is no competing resolution at this point in time. So, beyond •• I'm not sure why not, but there is no competing resolution. This would be the only resolution. And it appears to be co-sponsored with the County Executive by Legislator Alden.

**LEG. VILORIA • FISHER:**

I'll make a motion to approve.

**CHAIRMAN LOSQUADRO:**

Motion to approve by Legislator Vilorina • Fisher, seconded by myself. Do you have a question?

**LEG. BISHOP:**

No. It's all right.

**CHAIRMAN LOSQUADRO:**

All those in favor? Opposed. **2126 is approved. (Vote: 6•0)**

**2128, amending resolution 1304•04 to authorize the acquisition of farmland development rights under the Suffolk County SOS Farmland Preservation for the Hoshyla property.**

**MS. ZIELENSKI:**

This is development rights acquisition that was originally structured quite sometime ago and was originally in Greenway Farmland. And the amending is to put it into SOS because we don't have enough funding left in the other category.

**LEG. SCHNEIDERMAN:**

We're running out of money?

**LEG. BINDER:**

Who was the original sponsor? Was it also the County Executive?

**LEG. SCHNEIDERMAN:**

We're just changing the funding mechanism. That's all it is.

**CHAIRMAN LOSQUADRO:**

Yeah.

**LEG. SCHNEIDERMAN:**

Make a motion.

**LEG. BINDER:**

Mr. Chairman, was the Greensways also the County Executive? The Greensways original resolution? That was also the County Executive's?

**MS. ZIELENSKI:**

The original amending resolution was 1304•04.

**LEG. BINDER:**

And who was the sponsor?

**MS. ZIELENSKI:**

I don't have a copy of the old resolution.

**MS. KNAPP:**

I might have it.

**CHAIRMAN LOSQUADRO:**

Counsel, if you could just pull that up, please.

**MS. KNAPP:**

I'm sorry. Was it IR 1304 or resolution 1304 of ••

**CHAIRMAN LOSQUADRO:**

It says resolution.

**MS. ZIELENSKI:**

My copy says resolution or the agenda says resolution.

**MS. FISCHER:**

It is resolution 1304•2004. It was introduced by the County Executive with Legislators Caracciolo, Losquadro, Foley and O'Leary.

**LEG. BINDER:**

You guys better get on this one, too.

**CHAIRMAN LOSQUADRO:**

I would obviously like to be listed as a co•sponsor again on this. And I'm sure the other co•sponsors come the General Meeting would also like the opportunity to continue co•sponsoring this resolution. So did we have a motion earlier? Not yet? I will make a motion to approve, seconded by Legislator Viloría•Fisher. All those in favor? Opposed? **2128 is approved.**  
**(Vote: 6•0)**

**2129, authorizing acquisition under Suffolk County Multifaceted Land Preservation Program, Open Space, for the Lingo I Associates property, Sagaponack Woods, Town of Southampton.**

**MR. ISLES:**

Okay. This is also a parcel that went through a planning steps process. The Division of Real Estate has proceeded with the negotiation of the property. It has gone through the Environmental Trust Review Board. This is property located in the south fork SGPA. It's in the vicinity of the town line between East Hampton and Southampton, a short distance west of the East Hampton Airport. It's an area with extensive county holdings as well as extensive town holdings.

**CHAIRMAN LOSQUADRO:**

No. It's a very nice parcel. I recall this from ETRB. Motion to approve by Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

I just want to make sure the correction's been made; that I'm the co

•sponsor of this, not Legislator Lindsay. Has that change been made? I had pointed that out before.

**LEG. BINDER:**

Now it's the County Executive.

**LEG. SCHNEIDERMAN:**

County Executive and Legislator Schneiderman it should say.

**CHAIRMAN LOSQUADRO:**

Counsel?

**MS. KNAPP:**

I don't think it has been changed.

**LEG. SCHNEIDERMAN:**

I was assured that that would be fixed. It was just a draftsman error.

**MR. ZWIRN:**

Oh, I'm sure.

**LEG. SCHNEIDERMAN:**

I've been told that it was a mistake.

**LEG. BINDER:**

That laugh was good.

**MS. KNAPP:**

I'm sorry. I have an amended copy and it is ••

**CHAIRMAN LOSQUADRO:**

It has been updated.

**MS. KNAPP:**

With Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

Very good.

**MR. ZWIRN:**

See how quick I am?

**LEG. SCHNEIDERMAN:**

I will make the motion.

**CHAIRMAN LOSQUADRO:**

Motion by Legislator Schneiderman, seconded by myself. All those in favor?  
Opposed?

**LEG. BINDER:**

Is there lack of affordable housing in Southampton, Mr. Schneiderman?

**LEG. SCHNEIDERMAN:**

None at all.

**CHAIRMAN LOSQUADRO:**

**2129 is approved. (Vote: 6•0)**

**2130, appropriating funds in connection with the Suffolk County Multifaceted Land Preservation Program, capital project 7177.** This is authorizing the issuance of just over \$12 million in serial bonds. Is that correct?

**MR. ISLES:**

Yes.

**CHAIRMAN LOSQUADRO:**

I will make that motion.

**LEG. SCHNEIDERMAN:**

Second.

**CHAIRMAN LOSQUADRO:**

Second by Legislator Schneiderman. All those in favor? **Opposed? 2130 is approved. (Vote: 6•0)**

**2131, authorizing acquisition of land under the New Suffolk County Drinking Water Protection Program, Open Space component, Chustckie property.** Is that correct? This is 2131. Chustckie property, Town of Brookhaven. This is slightly under an 8th of an acre.

**MR. ISLES:**

Right. It's a very small parcel. It is, however, within the Mastic Shirley Conservation •• okay. It's a very small parcel but it's one of many parcels that are under acquisition in the Mastic Shirley conservation area. This is an area where the County has significant investment presently. It's an area of high hazard in terms of hurricane damage potential. It's a velocity zone in terms of the flood hazard regulations. So, the County's been working on a program to do acquisitions as well as property swaps and so forth. This is consistent with that. And even though it's a small parcel, here again, it falls as part of a much larger area with significant county investment already.

**CHAIRMAN LOSQUADRO:**

Right. And it's only a \$9,000 acquisition.

**MR. ISLES:**

Right.

**CHAIRMAN LOSQUADRO:**

Motion by myself, second by Legislator Schneiderman. All those in favor? **Opposed? 2131 is approved. (Vote: 6•0)**

**2132, authorizing acquisition under Suffolk County Multifaceted Land Preservation Program, Open Space preservation for the Jacsi Associates, L.P. property.** I guess this is part of the open preserve?

**MR. ISLES:**

Right.

**CHAIRMAN LOSQUADRO:**

This is another parcel that came to the Environmental Trust Review Board.

**MR. ISLES:**

Right.

**CHAIRMAN LOSQUADRO:**

If you can just give the rest of the committee an update.

**MR. ISLES:**

This is about 20 acres within the Overton Preserve, an area that's located in the Central Suffolk special ground water protection area. This is in the Hamlet of Coram. It is just slightly east of Route 112. It's an area totaling upwards of 500 acres that the County and the Town have been working towards preservation of either through acquisition or through clustering of development. And there have been further discussions about possible transfer development rights. So, here again, this is one of a series of parcels that are included in that effort. This one has been negotiated through the Division of Real Estate and has, as you indicated, has gone through the Trust Board. If you have any questions, we'll try to answer those questions.

**CHAIRMAN LOSQUADRO:**

Motion to approve by Legislator Schneiderman, second by myself. And I additionally would like to be listed as a co•sponsor on this resolution. All those in favor? Opposed? **2132 is approved. (Vote: 6•0)**

**2133, to re•establish a Lake Ronkonkoma Advisory Board.** Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Chair. This is the out growth of an initiative that's gone on actually since •• it precedes when I came into office. There's been a working group. It's known now basically as the Tri•Town Task Force, which has been focussed upon restoration and improvement of the Water Quality

of Lake Ronkonkoma and addressing the issues of runoff and preservation of the surrounding area.

There's desire to go ahead and see this group be able to go •• move forward in a formalized way. Some of the parties that were founders on it are now shifting roles; one of them being Counsel woman Esposito. So, there was a request by members of the Task Force to go ahead and formalize it. We're reaching out to go ahead and do that. So, I'd make a motion to approve.

**LEG. BINDER:**

Second.

**CHAIRMAN LOSQUADRO:**

Motion to approve by Legislator Kennedy, second by Legislator Binder.

**LEG. VILORIA•FISHER:**

You had us at hello.

**CHAIRMAN LOSQUADRO:**

All those in favor? Opposed? **2133 is approved. (Vote: 6•0)** Thank you.

## **CEQ RESOLUTIONS**

Onto CEQ Resolutions, if I could ask Jim Bagg to come back up. Thank you, Jim. CEQ resolutions.

**70•05, proposed SEQRA classifications of legislative resolutions laid on the table August 23rd, 2005.** Motion by Legislator Binder, seconded by Legislator Vilorina•Fisher. All those in favor? Opposed? **70•05 is approved. (Vote: 6•0)**

**71•05, proposed renovations at Sewer District #5, Town of Huntington.**

**MR. BAGG:**

The project is •• provides for the replacement of a pump station, wet well and construction of a four foot by six foot by six foot valve vault at the District's pump station. Council recommends that it's a Type II action.

**CHAIRMAN LOSQUADRO:**

Same motion, same second, same vote. **(Approved. Vote: 6•0)**

**72•05, proposed renovations at Sewer District #22, Hauppauge Municipal, Town of Smithtown.**

**MR. BAGG:**

This project involves the replacement of valves on the distribution system of the treated effluent to the open recharge beds. Council recommends it's a Type II action.

**CHAIRMAN LOSQUADRO:**

Same motion, same second, same vote. **(Approved. Vote: 6•0)**

**73•05, proposed renovation at Sewer District #10, Stony Brook.**

**MR. BAGG:**

This project provides for the replacement pumps in the pump station number four and construction of an eight foot by eight foot controls building. Council recommends a Type II action.

**CHAIRMAN LOSQUADRO:**

Very good. Same motion, same second, same vote. **(Approved. Vote: 6•0)**

**74•05, proposed improvements on County Road 67, Motor Parkway at Vandercrest Court.**

**MR. BAGG:**

This project involves improving roadway drainage in the vicinity of the intersection of CR 67 Motor Parkway and Vandercrest Court. They're going

to enlarge and improve an existing recharge basin. Council recommends an unlisted action negative declaration.

**CHAIRMAN LOSQUADRO:**

Sounds great. Same motion, same second, same vote. **(Approved. Vote: 6•0)**

**75•05, proposed SEQRA classifications of legislative resolutions laid on the table September 27th, 2005. Same motion, same second, same vote. (Approved. Vote: 6•0)**

**76•05, proposed construction of handicap ramp at Cupsogue Beach County Park, East Moriches. I think this is pretty self•explanatory.**

**MR. BAGG:**

Yes. The Council recommends •• it's a 618 square foot ramp for ADA compliance. Council recommends it's a Type II action.

**CHAIRMAN LOSQUADRO:**

Same motion, same second, same vote. **(Approved. Vote: 6•0)**

**77•05, proposed expansion of parking area and reconfiguration of toll booths at Cupsogue, East Moriches. Again, rather self•explanatory. Type II action. Same motion, same second, same vote. (Approved. Vote: 6•0)**

**78•05, proposed adaptive reuse of the GATR facility, Theodore Roosevelt County Park.**

**MR. BAGG:**

That's correct. This project is pursuing a rehabilitation adaptive reuse of the buildings and surrounding disturbed area at the former ground to air transmit and receive GATR site at the Theodore Roosevelt County Park. Council recommends it's a Type II action.

**CHAIRMAN LOSQUADRO:**

Same motion. On the motion.

**LEG. SCHNEIDERMAN:**

On the motion I just want to make sure that the application's been amended to remove the removal of the large poles that may be of historic military significance.

**MR. BAGG:**

I believe so, yes. The Parks Department stated that they will be maintained on site as historic landmark.

**LEG. SCHNEIDERMAN:**

Okay. Thank you.

**CHAIRMAN LOSQUADRO:**

Same motion, same second, same vote. **78•05 is approved. (Vote: 6•0)**

**79•05, proposed modification for compliance with the Americans with Disabilities Act, Suffolk County Vanderbilt Museum, Town of Huntington.**

**MR. BAGG:**

This project involves the renovation of rest rooms at the security booth to meet ADA compliance. Council recommends because it's a historic landmark that it's a Type I action and a negative declaration because it will not significantly impact the historic integrity of the site.

**CHAIRMAN LOSQUADRO:**

Very good. Same motion, same second, same vote. **(Approved. Vote: 6•0)**

**80•05, proposed acquisition of land for open space preservation purposes known as the Champlin Creek, DiLeo property in the Town of Islip.** Motion by Legislator Schneiderman, seconded by Legislator Vilorio•Fisher. All those in favor? Opposed? **80•05 is approved. (Vote: 6•0)**

**81•05, proposed acquisition of land for open space preservation**

**purposes known as the Mastic Shirley conservation area. I have to say this name again. Chustckie property, in the Town of Brookhaven. Same motion, same second, same vote. (Approved. Vote: 6•0)**

**82•05, proposed acquisition of a conservation easement by Suffolk County in the Town of Shelter Island for open space preservation purposes known as the Westmoreland property, Town of Shelter Island. Same motion, same second, same vote. (Approved. Vote: 6•0)**

**83•05, proposed acquisition of land for the open space preservation purposes known as the Overton Preserve, Jacsi property, Town of Brookhaven. Same motion, same second, same vote. (Approved. Vote: 6•0)**

**CHAIRMAN LOSQUADRO:**

**84•05, proposed 2006 Vector Control Plan of Work, Suffolk County.** Counsel, if you could give a brief explanation as to our duty today as far as the CEQ goes.

**MS. KNAPP:**

I will and I'll defer to Mr. Bagg if he'd like to either add anything or correct anything. Unlike •• if you look at the one right below it, you'll see a Type I Action with a negative declaration. This is simply a Type I Action. So, the CEQ has not provided a recommendation as to whether or not this should be a negative or a positive declaration. They simply made the recommendation that it should be a Type I Action.

It's my understanding that in the packet that will be laid on the table on Tuesday will be a resolution that will need a •• that will provide a negative declaration for the 2006 Vector Control Plan. But a full presentation will be made to the Health Committee probably because that's where the Vector Control Plan is usually assigned. And the negative declaration or positive declaration will be made by the entire Legislature after the opportunity in committee to review the presentation.

**CHAIRMAN LOSQUADRO:**

I appreciate the representatives from the Department of Public Works being here, but I think we'll save a presentation for that resolution. So, at this point we will just recognize CEQ's Type I Action designation or recommendation. So, I will make a motion to approve 84•05 as a Type I Action, seconded •• with no recommendation on a positive or negative declaration. Seconded by ••

**LEG. VILORIA•FISHER:**

I'll second it.

**CHAIRMAN LOSQUADRO:**

•• by Legislator Vilorina•Fisher. All those in favor? Opposed?

**LEG. VILORIA•FISHER:**

And then they'll do a presentation, Mr. Chair, at the Health Committee? Is that how I understood Counsel?

**CHAIRMAN LOSQUADRO:**

Yes. Hold one. I'm sorry. Let Counsel first; then Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

Procedurally I'm just not clear as to why this is taking the route it's taking. Why are ••

**CHAIRMAN LOSQUADRO:**

That's why I said Counsel first. But, okay.

**LEG. SCHNEIDERMAN:**

Okay. But my question and your comments, if you could please address, is why isn't the Environment Committee which typically makes SEQRA determinations making a SEQRA determination on this?

**MS. KNAPP:**

Certainly we could have exactly the same presentation made in this Committee if you'd like. The negative declaration will only be made by the full Legislature. This committee never makes the declaration. This committee simply discharges out of committee to the full Legislature. The

full Legislature will make the determination of whether or not this is a positive or negative declaration on this Type I Action. I believe •• did we make two presentations last year? Did we make them in Health and ••

**MR. JEFFREYS:**

And Environment.

**LEG. SCHNEIDERMAN:**

And in Environment.

**MS. KNAPP:**

Oh, we did. We could, if you'd like, we could make the same presentation so that you would all be fully advised when you vote at the general meeting. However, it is always assigned to the Health Department, the Vector Control Plan.

**LEG. KENNEDY:**

Mr. Chair?

**CHAIRMAN LOSQUADRO:**

Legislator Schneiderman and then Legislator Kennedy.

**LEG. SCHNEIDERMAN:**

Well, you know, I would have •• I no the presentation's lengthy. I've sat through the presentation. There is so much to know here in terms of litigation that's involved and the status of the 2005 Work Plan, the differences between the 2006 Work Plan and the 2005 Work Plan. And when making a SEQRA determination, as my understanding it, since we already have a type I action, we have to determine if there is a potential •• not necessarily a significant environment impact •• but the potential for a significant adverse environmental impact. And I just •• if we're not going to make the decision today, I just urge that all the Legislators who are involved in making that decision understand the status of the lawsuit and understand what the role in the context of SEQRA is in terms of making that determination.

**CHAIRMAN LOSQUADRO:**

Very good.

**LEG. KENNEDY:**

Counselor?

**CHAIRMAN LOSQUADRO:**

Legislator Kennedy.

**LEG. KENNEDY:**

My question went just specifically to that second page of the correspondence we got from the Baykeeper and what the status of the litigation is at this point. I see that as a fairly recent decision at Supreme Court level. Is this on appeal? Or are we now bound by it?

**MS. KNAPP:**

Mr. Jeffreys from the County Attorney's Office is here. I would ask him if he needs an executive session. And then I would •• he may be able to report procedurally to you without an executive session. And I guess my next question is, is there a sense that we want to have an executive session either at the Health Committee or at this Committee in conjunction with the presentation of the Vector Control Plan?

**LEG. BINDER:**

You're going to probably need General Bond Health Committee.

**MS. KNAPP:**

So, if •• Mr. Jeffreys will be fully prepared then to say more than he could in a public session.

**LEG. KENNEDY:**

And certainly I have no desire to get into the merits or anything like that at this point. My question merely goes to, is this res judicata or is it on appeal at this point?

**MR. JEFFREYS:**

There is a Notice of Appeal that's been filed from all of the decisions on 2005 that a final judgement has been rendered on. We have filed our Notice of

Appeal. The Baykeeper file a Notice of Appeal. And the final determination by the judge •• there has not even been a signed judgement yet so there is no appealable paper at this point.

**LEG. KENNEDY:**

So, it ultimately can work its way to Brooklyn, though, where we may wind up with both orals and paper filings.

**MR. JEFFREYS:**

I can be fairly certain that it will make its way to Brooklyn. Because 2004 is there now. And 2005 will make its way there just like 2002 and 2003 did.

**LEG. KENNEDY:**

Thank you.

**MS. KNAPP:**

The one other comment that I think that needs to be put on the record here is that absent legislative action after this presentation, the Vector Control Program will stop December 31st of '05.

**LEG. SCHNEIDERMAN:**

Can I say something on that? Because that's not entirely true. Because the 2005 plan is currently suspended. Yet the Vector Control Program is functioning under the state emergency •• I forget the name of the provision •• that allows it under the state plan. And much of the Vector Control Program that is questionable, if there is a health emergency as determined by the Commissioner of Health, it would not be subject to SEQRA and can move forward to my understanding.

**MR. JEFFREYS:**

I can address that if you'd like me to just in general principals. Presently there is no judgement suspending the 2005 Vector Control Plan. There's a memorandum decision in which Justice Baisley indicates that that is his intention when he signs a judgement. He has not signed a judgement on this case.

We're also at the same time operating under a public health threat

declaration that was issued by the State of New York for the County of Suffolk in August of 2005 that permits the County to operate its Vector Control Program under the New York State West Nile Virus Response Plan. Our 2005 Plan of Work is quite similar to the New York State West Nile Virus Response Plan with the exception of the application of aerial adulticides which is not a concern at this point because we're past the season where West Nile Virus is going to be our main problem.

**LEG. KENNEDY:**

So, the larvicide program can continue under the state emergency declaration?

**MR. JEFFREYS:**

No. The state declaration ends the end of the calendar year as does our Vector Control Plan. December 31st both will end. So, effective January 1st the County will have no Vector Control Plan in place.

**LEG. KENNEDY:**

What is the season? When does it begin?

**MR. JEFFREYS:**

Vector Control activities begin •• they take place all through the year. Whether it's surveillance, whether it's larviciding, whether it's other type of Vector Control Programs, it's a year•round activity. More surveillance is done during the wintertime. Preparation for larviciding is done as we get ready for the season. All of this work is done by Vector Control. And without a plan in place, the Charter does not authorize Vector Control to do any activities without an approved Plan of Work by the Legislature.

**LEG. KENNEDY:**

Thank you. Again, Mr. Chair, I think everyone around here sees that this is an important program. Certainly there's activity in my district.

**CHAIRMAN LOSQUADRO:**

Absolutely.

**LEG. KENNEDY:**

Whatever is going to be, I think it's going to be essential that all aspects of this are brought forward for us.

**CHAIRMAN LOSQUADRO:**

Absolutely. We'll be in touch. Probably have a presentation made again in this Committee as well as the Health Committee. And if necessary to have the entire body briefed possibly in executive session as to the status of the pending litigation.

So, we had a motion and a second. I don't believe we called the vote yet. All those in favor? Opposed? **84•05 is approved in its current form.**  
**(Vote: Vote: 6•0)**

**85•05, proposed revitalization of William and Mollie Rogers Waterfront at Suffolk County Vanderbilt Museum.** It's a Type I action, negative different; is that correct?

**MR. BAGG:**

That's correct.

**CHAIRMAN LOSQUADRO:**

Same motion, same second, same vote. **(Approved. Vote: 6•0)**

No business before us ••

**LEG. SCHNEIDERMAN:**

We're adjourned.

**THE MEETING CONCLUDED AT 4:16 PM)**  
**\\_DENOTES SPELLED PHONETICALLY\\_**